

Applicant : Dunstan et al. Attorney's Docket No.:10559-549001/Pl2569  
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#### REMARKS

Claims 1-30 are pending, with claims 1, 14, 24, 27 and 29 being independent. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-30 stand rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. This contention is respectfully traversed.

Each claim is clearly directed to a "new and useful process" under 35 U.S.C. 101 in the technological art of data encryption and decryption. More specifically, the claims are clearly limited to a practical application in this technological art, namely, secure delivery of encrypted digital content. The digital content provisioning industry is large, and growing. Delivery of digital content (e.g., music, movies, written works, images, software) through communication channels is very important for modern businesses, and all of the present claims are clearly directed to this technology. Thus, the present patent application and claims are clearly limited to a practical application in the technological arts and produce a concrete, tangible and useful result. Therefore, the claims as originally presented are statutory subject matter under 35 U.S.C. 101. In view of this, withdrawal of the 101 rejection is respectfully requested.

Claims 1-30 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Hurtado et al. (US Patent 6,611,812 B2). This contention is respectfully traversed.

Hurtado describes a secure electronic content distribution system in which an end user system receives from a clearing house a secure container. This secure container contains a decrypting key for decrypting at least part of previously

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encrypted content, where this secure container has been encrypted using an encrypting key of the end user system. The end user system can then decrypt the secure container (using the encrypting key of the end user system) to access the decrypting key for decrypting at least part of the encrypted content. See Hurtado at Abstract. The secure container of Hurtado is not a decoder core, as claimed in the present application.

The present application clearly describes the terms "content decoder" and "decoder core":

A content decoder (e.g., a media player device such as a Tivo or a Replay device, media player software, or a component of these) can be logically divided into a replaceable decoder core and remaining portions. The decoder core implements a selected decryption scheme for decrypting encrypted content, and the remaining portions provide an interface between the decoder core and content presentation systems/devices. The decoder core may be changed as desired to implement a newly selected decryption scheme and/or to change the nature of the decoder core (e.g., a new software obfuscation, a new time-stamp).

(See the present application at ¶ 18.) As further detailed in the example encrypted digital content delivery and decoding system shown in Fig. 2:

The content decoder 200 includes an interface 220 that defines how a received decoder core 225 is to be integrated with the content decoder 200. [...] [T]he content decoder 200 receives a mutable software module. [...] The interface 220 is a predefined interface that provides the hooks (e.g., procedure

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calls) with which the content decoder 200 runs the decoder core 225. In one implementation, the decoder core 225 is a software plug-in for the content decoder 200.

(See the present application at ¶s 31-33.)

The present invention can isolate the decryption scheme within the decoder core, and thus the content decoder may be made independent of the encryption/decryption scheme to be used. This enables modification of content protection techniques that are to be used with an already publicly distributed content decoder. (See the present application at ¶s 19-20.)

In contrast, the content decoder in Hurtado (e.g., the player application 195) is resident on the end user system and already includes the encryption/decryption scheme to be used in decrypting digital content using a supplied key. (See Hurtado at Figs. 1D and 15B, and corresponding descriptions of the End-User Device(s) 109, Decryption and Re-Encryption 194, Player Application 195, and Decryption 1505.) As the description in Hurtado makes clear, the end-user devices of Hurtado already include the decryption components (used to decrypt encrypted digital content) when a content player is installed in an end-user device. The decryption components already resident on the end-user device(s) in Hurtado use the supplied keys (including those supplied in secure containers) in the decryption process, but neither the secure container, nor the key in the system of Hurtado can be considered a decoder core.

Independent claim 1 recites, "transmitting a decoder core to be used with a predefined content decoder, the decoder core comprising instructions for causing the predefined content decoder to decrypt an encrypted version of digital content."

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(Emphasis added.) Nowhere does Hurtado either teach or suggest transmitting a decoder core comprising instructions for causing a predefined content decoder to decrypt an encrypted version of digital content. Moreover, the Official Action fails to address the "instructions" element of this claim. Neither the secure container, nor the key in the system of Hurtado include instructions. Thus, independent claim 1 should be in condition for allowance.

Independent claim 14 recites, "receiving a decoder core comprising instructions for decrypting encrypted digital content; and using the decoder core with a previously acquired content decoder to access the encrypted digital content."

(Emphasis added.) Nowhere does Hurtado either teach or suggest receiving a decoder core comprising instructions for decrypting encrypted digital content, and using the decoder core with a previously acquired content decoder to access the encrypted digital content. Thus, independent claim 14 should be in condition for allowance.

Independent claim 24 recites, "defining an interface between a presentation portion and a decryption portion of a digital content player; identifying a decoder core that uses the interface to effect the decryption portion of the digital content player; and using the decoder core with the digital content player to access encrypted digital content." (Emphasis added.) Independent claim 27 recites, "a module defining an interface between the content decoder and a mutable decoder core comprising instructions for causing the content decoder to decrypt encrypted media." (Emphasis added.) Independent claim 29 recites, "means for transmitting in response to a request, software plug-in means for decrypting digital content; and means

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for receiving the software plug-in means and for presenting the digital content using the software plug-in means." (Emphasis added.)

The Official Action fails to address the limitations of claims 24, 27 and 29, and Hurtado does not describe this claimed subject matter. Hurtado does describe a player application 195 including decryption 1505, but Hurtado does not describe a module defining an interface between the content decoder and a mutable decoder core, identifying a decoder core that uses an interface between a presentation portion and a decryption portion of a digital content player, or software plug-in means for decrypting digital content. Thus, independent claims 24, 27 and 29 should be in condition for allowance.

Dependent claims 2-13, 15-23, 25-26, 28 and 30 are patentable for at least the above reasons, and based on the additional recitations they contain. For example, claims 8-11 and 22-23 include various limitations related to obfuscated software included in the decoder core. The Official Action fails to address these limitations, and thus the rejection of these claims should be withdrawn for this additional reason.

Moreover, Hurtado is clearly directed to a system for delivering decryption keys, not decryption software. Hurtado remains agnostic regarding the specific encryption/decryption algorithms to be used in the system. (See Hurtado at col. 15, line 29 to col. 16, line 48.) Furthermore, Hurtado provides no description whatsoever of software obfuscation, which can be used to make decryption software difficult to reverse engineer.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that

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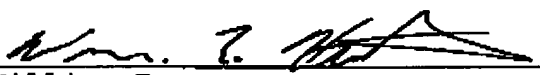
issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

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Respectfully submitted,

Date: October 14, 2005

  
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